

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KMS TECH, INC.,

Plaintiff,

20-CV-01041 (GBD) (VF)

-against-

ORDER

G MISSION INC. et al.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge.

On October 18, 2024, Plaintiff KMS Tech Inc. submitted a request for a pre-motion conference, seeking leave to file a motion for sanctions against Defendants G Mission Inc. and Jake Kwak, and Defendants’ counsel. See ECF No. 174. Since then, counsel for Defendants withdrew from the representation (see ECF No. 186), G Mission Inc. did not retain new counsel despite being advised to do so (see ECF No. 188), and Defendants have stopped appearing or otherwise defending against the claims in this action (see ECF No. 189). On May 28, 2025, the Clerk of Court entered a Certificate of Default as to Defendants. See ECF No. 195. On June 30, 2025, Plaintiff moved for default judgment. See ECF No. 197.

In light of Defendants’ default and the pending motion for default judgment, Plaintiff’s request for a pre-motion conference to discuss a potential motion for sanctions is now moot. To the extent Plaintiffs would have sought “case determinative” sanctions in that motion (see ECF No. 174 at 3), such relief is no longer necessary given Defendants’ default. Further, any request for fees associated with any added time expended by Plaintiff addressing the alleged spoliation by Defendants would be addressed by Plaintiff’s inquest submissions once the

default judgment motion is resolved. The Clerk of Court is respectfully directed to terminate the letter motion at ECF No. 174.

SO ORDERED.

DATED: New York, New York
August 12, 2025



VALERIE FIGUERO
United States Magistrate Judge